

REMARKS

All pending claims 1-63 have been rejected under 35 U.S.C. 101 based on statutory double patenting over Applicant's copending application 09/398,914.

Original claims numbered 58, 60, 61 and 62 on page 92 are renumbered 60, 61, 62 and 63. No other amendments have been made.

The rejection is traversed. Reconsideration is requested. Claims 1-63 remain in the case.

The claims in this case are drawn to materially different subject matter, not to identical subject matter. Applicant believes that a comparison of the independent claims in the application 09/639,948 and copending application 09/398,914 will suffice to point out the differences which are indicated in bold and italicized print, respectively:

Independent claims 1 and 32 pending in 09/639,948:

1. A method for tokenless biometric authorization of an electronic communication, using a biometric sample, a master electronic identicator, and a public communications network, wherein said method comprises:
 - a. an electronic communication formation step, wherein at least one communication comprising electronic data is formed;
 - b. a user registration step, wherein a user electronically submits a registration biometric sample taken directly from the person of the user;
 - c. a public network data transmittal step, wherein the registration biometric sample is electronically transmitted to a master electronic identicator via a public communications network, said master electronic identicator comprising a computer database which electronically stores all of the registration biometric samples from all of the registered users;
 - d. a user registration biometric storage step, wherein the registration biometric sample is electronically stored within the master electronic identicator;
 - e. a bid biometric transmittal step, wherein a bid biometric sample, taken directly from the person of the user, is electronically transmitted to at least one electronic identicator;

- f. a user identification step, wherein an electronic identicator compares the bid biometric sample to at least one registration biometric sample previously stored in an electronic identicator, for producing either a successful or failed identification of the user;
 - g. an electronic communication authorization step, wherein upon a successful identification of the user by an electronic identicator, at least one electronic communication is authorized for execution;
wherein an electronic communication is biometrically-authorized without the user having to present any personalized man-made memory tokens such as smartcards, or magnetic stripe cards.
32. A system for tokenless biometric authorization of an electronic communication, using an electronic communication input apparatus, a biometric input apparatus, and a master electronic identicator, wherein said system comprises:
- a. a communication input apparatus, further comprising a data entry device for formation of an electronic communication;
 - b. a biometric input apparatus, further comprising a device for electronically scanning a biometric sample directly from the person of a user;
 - c. at least one master electronic identicator, further comprising:
 - i) a computer database containing all of the electronically stored biometric samples from all of the registered users;
 - ii) a comparator that electronically compares received a biometric sample with previously stored biometric samples to deliver either a successful or failed identification of the user;
 - d. a data transmittal public network that electronically transmits data between the biometric input apparatus and a master electronic identicator;
 - e. an electronic communication authorization platform that authorizes execution of at least one electronic communication upon a successful identification of the user by an electronic identicator;
wherein an electronic communication is biometrically-authorized without the user having to present any personalized man-made memory tokens such as smartcards, or magnetic stripe cards.

The foregoing subject matter shown in bold print does not appear in the independent

claims of copending 09/398,914, reproduced below. Conversely, the subject matter italicized in the copending claims below is not included in the above claims.

Independent claims 1, 20 and 25 pending in 09/398,914:

1. A tokenless biometric method for processing electronic transmissions, using at least one user biometric sample, an electronic identicator and *an electronic rule module clearinghouse*, said method comprising the steps of:
- a. a user registration step, wherein a user registers with an electronic identicator at least one registration biometric sample taken directly from the person of the user;
 - b. *formation of a user-customizable rule module customized to the user in a rule module clearinghouse, wherein at least one pattern data of a user is associated with at least one execution command of the user;*
 - c. a user identification step, wherein the electronic identicator compares a bid biometric sample taken directly from the person of the user with at least one previously registered biometric sample for producing either a successful or failed identification of the user;
 - d. a command execution step, wherein upon successful identification of the user *at least one previously designated rule module of the user is invoked to execute at least one electronic transmission;*
- wherein a biometrically authorized electronic transmission is conducted without the user presenting any personalized man-made memory tokens such as smartcards, or magnetic swipe cards.

20. A computer system device for tokenless biometric processing of electronic transmissions, using at least one user biometric sample, an electronic identicator and *an electronic rule module clearinghouse*, comprising:
- a. a biometric input apparatus, for providing a bid or registration biometric sample of a user to the electronic identicator; wherein a user registers with an electronic identicator at least one registration biometric sample taken directly from the person of the user;
 - b. *an electronic rule module clearinghouse, having at least one user-customizable rule module further comprising at least one pattern data of the user associated with at least one execution command of the user, for*

c. *executing at least one electronic transmission;*
d. *an electronic identicator, for comparing the bid biometric sample with registered biometric samples of users;*
d. *a command execution module, for invoking at least one previously designated execution command in the electronic rule module clearinghouse to execute an electronic transmission;*
wherein no man-made memory tokens such as smartcards, or magnetic swipe cards are presented by the user to conduct the electronic transmission.

25. A tokenless biometric method for processing electronic transmissions, using at least one user biometric sample, an electronic identicator and an electronic rule module clearinghouse, said method comprising the steps of:

- a. *a primary and subordinated user registration step, wherein a primary and subordinated user each register with an electronic identicator at least one registration biometric sample taken directly from the person of the primary and subordinated user, respectively;*
- b. *formation of a rule module customized to the primary and subordinated user in a rule module clearinghouse, wherein at least one pattern data of the primary and subordinated user is associated with at least one execution command of the primary and subordinated user, the rule module customized to the primary user is customizable by the primary user and the rule module customized to the subordinated user is customizable by the subordinated user, and;*
- c. *a subordinated user identification step, wherein the electronic identicator compares a bid biometric sample taken directly from the person of the subordinated user with at least one previously registered biometric sample for producing either a successful or failed identification of the subordinated user;*
- d. *a subordination step wherein upon successful identification of the subordinated user, the pattern data of the subordinated user is searched to determine if any of the subordinated user's rule modules is subordinated to at least one of the primary user's rule modules;*

- e. a command execution step, wherein upon the successful identification of the subordinated user and the determination that at least one of the subordinated user's rule modules is subordinated to at least one of the primary user's rule modules, at least one previously designated execution command of the primary user is invoked to execute at least one electronic transmission;

wherein a biometrically authorized electronic transmission is conducted without the primary and subordinated user presenting any personalized man-made memory.

Applicant believes that the above comparison sufficiently points out the differences between the claims pending in 09/639,948 and 09/398,914.

Neither set of claims cross-read on the other; in fact, they differ materially.

Therefore, the claims are believed patentably distinct.

Previously Submitted Information Disclosure Statements

The Examiner is requested to consider the Information Disclosure Statements submitted by applicant on July 17, 2001; June 10, 2002 and August 8, 2002 and initial and return PTO forms 1449 submitted therewith to the undersigned.

If there are any questions remain, the Examiner is requested to call the undersigned.


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Misnumbered claims 58, 60, 61 and 62 on page 92 are amended to be correctly numbered as 60, 61, 62 and 63 as follows:

[58]. 60 (Amended) The device of claim 32 wherein the master electronic identicator further comprises a computer database having a location which is physically remote from the site at which the user submitted the registration biometric sample.

[60]. 61 (Amended) The device of claim 34 wherein the subset electronic identicator further comprises a computer database; being physically remote from the master identicator, and; capable of using any communications network for receiving the bid biometric sample.

[61]. 62 (Amended) The device of claim 58 further comprising:

- a. a first rule-module invocation platform, comprising a subset rule-module clearinghouse that invokes at least one user-customized rule-module;
- b. a data transmittal public network, wherein if the subset rule-module clearinghouse fails to invoke a user-customized rule-module, the request is transmitted via a public communications network to a master rule-module clearinghouse;
- c. a second rule-module invocation platform, comprising a master rule-module clearinghouse that invokes at least one user-customized rule-module;
- d. an electronic communication execution platform, that executes at least one electronic communication upon the earliest invocation of a user-customized rule-module by a rule-module clearinghouse.

[62]. 63 (Amended) The device of claim 58 wherein the subset rule-module clearinghouse is physically remote from the master rule-module clearinghouse.